

**REMARKS****Pending Claims**

In this application, claims 1-19 are currently pending. Claims 1-19 are amended by this Response. Entry of these amendments is respectfully requested.

**Rejection under 35 U.S.C. §112 (1<sup>st</sup> Paragraph)**

Claim 9 was rejected under 35 U.S.C. §112, first paragraph. The Examiner described that claim 9 “seemed to be describing the embodiment in figure 13; however, no substantive description is found for this figure in the specification.”

The Applicant respectfully submits that the elements recited in claim 9 are depicted in FIGS. 1 and 2 and described at pages 7-8. Specifically:

<b>Element</b>	<b>Described at:</b>
	(This is an example of a specific mention of the element. There may be additional occurrences of these elements throughout the discussion of the cooling fluid pages 7-8. In addition, there are additional mentions of these elements elsewhere in the specification.)
Inner conductor 10	Discussed with regard to hollow duct 15 at page 7, line 30 et al
Hollow duct 15	Page 7, lines 30-33
Through bore 16	Page 7, line 4
Insulator 18	Page 8, line 8
Outer conductor 19	Discussed with regard to intermediate space 20 at page 8, line 3
Intermediate space 20	Page 8, line 2

Therefore, the Applicant respectfully submits that claim 9 is fully supported by the specification and no amendment is made to claim 9 in this regard.

**Rejection under 35 U.S.C. §112 (2<sup>nd</sup> Paragraph)**

Claims 2, 4, 6, 14, 15, 16, and 19 were rejected under 35 U.S.C. §112, second paragraph. Amendment is made to each of these claims to address the Examiner's concerns.

**Rejection under 35 U.S.C. §102(b)**

Claims 1, 2, 4-8, 10-17 and 19 are rejected as being anticipated by Arndt (6,134,476). The Applicant respectfully notes that Arndt described a device that emits microwaves to ablate tissue. In contrast, the Applicants' device operates electrothermally to coagulate tissue. To accomplish this, the Applicants' device employs two electrodes that, during use, are brought into contact with tissue. The tissue adjacent the electrodes is heated when current is applied between the two electrodes. It is critical for the operation of Applicant's device that its electrodes contact tissue and therefore must be positioned on the probe at the outer surface of the probe. Claim 1 recites that the electrodes are "disposed on the exterior of the probe such that in use the electrodes can be brought into contact with tissue simultaneously."

In contrast, the Arndt electrodes are located within the probe, since they do not need to contact the tissue since Arndt's probe employs microwaves that are emitted remotely (i.e. from within the probe, not via contact with the tissue) from the tissue.

Thus, the Applicant respectfully submits that the Applicants' device as recited in independent claim 1 is patentably distinct from the Arndt device. All other claims depend directly from claim 1 and therefore are patentably distinct over Arndt at least for this reason.

**Rejection under 35 U.S.C. §103**

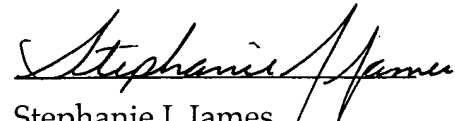
Claims 3 and 18 are rejected as being obvious in light of Arndt or Saab in view of Berube. Saab relates to a heat transfer catheter which presents no electrodes disposed on the exterior of the probe. Berube is a microwave device which, like Arndt, does not show or suggest electrodes disposed on the exterior of the probe. Therefore, the Applicants respectfully submit that the combination of these references fail to show or suggest the claimed arrangement with electrodes at the exterior of the probe to contact tissue.

# CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,  
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By its attorneys:

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